

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS**

**CIVIL ACTION NO. 05-40045 FDS**

**CITIBANK, N.A. AS TRUSTEE,**

**Plaintiff,**

**v.**

**JOHN P. PHELAN, WENDY M. PHELAN,  
DAVID LA BRIE, THE UNITED STATES  
OF AMERICA, O'CALLAGHAN  
CONSTRUCTION COMPANY AND THE  
COMMONWEALTH OF  
MASSACHUSETTS DEPARTMENT OF  
REVENUE,**

**Defendants.**

**JOINT MOTION FOR APPROVAL OF AGREEMENT FOR JUDGMENT**

Now comes the Plaintiff and Defendants and move for approval of the Agreement for Judgment attached hereto. In support of this motion, the parties state that allowance of this motion will fully and finally resolve this litigation.

Wherefore, the parties request that this motion be allowed.

**CITIBANK, N.A., AS TRUSTEE,**  
By its Attorneys,

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**DAVID LA BRIE**  
By his Attorneys,

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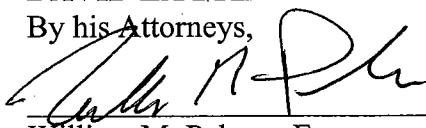
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By its Attorney,



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**THE UNITED STATES OF AMERICA,**

By its attorney,

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**Defendants.**

**AGREEMENT FOR JUDGMENT**

1. Plaintiff is holding \$20,389.50, in surplus funds from the foreclosure sale of the property located at 812 W Shore Drive in Winchendon, Massachusetts.
2. Defendant, John P. Phelan has been defaulted and judgment by default has entered against him preventing Mr. Phelan from making any claim to the surplus funds.
3. Defendant, Wendy M. Phelan has a valid and lawful claim to the surplus funds.
4. Defendant, The Commonwealth of Massachusetts Department of Revenue has filed a Disclaimer of Interest and has since been dismissed from the interpleader action.

5. Defendant, The United States of America has a valid and lawful claim to the surplus funds.

6. Defendant, David La Brie has a valid and lawful claim to the surplus funds.

7. Defendant, O'Callaghan Construction Company has a valid and lawful claim to the surplus funds.

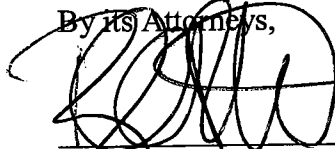
Plaintiff and the Defendants have agreed to disburse the surplus funds according to the schedule set forth below.

Distribution of the surplus funds should be as follows:

Total Surplus Funds:	\$20,389.50
a) The United States of America	\$2,437.98
b) David La Brie	\$14,000.00
c) Wendy Phelan	\$700.00
d) The Commonwealth of Massachusetts	\$0.00
e) O'Callaghan Construction Company	\$1,225.00
f) Harmon Law Offices, P.C.	\$2,026.52
Remaining Balance after Disbursements:	\$0.00

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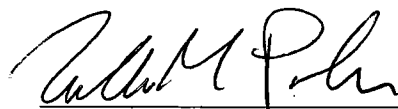


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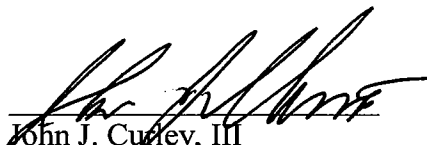
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**CERTIFICATE OF SERVICE**

I, Raymond C. Pelote, Esquire, of HARMON LAW OFFICES, P.C., P.O. Box 610389, Newton Highlands, MA 02461-0389 certify:

That on the 16th day of September, 2005, a copy of the Joint Motion for Approval of Agreement for Judgment and the Agreement for Judgment were electronically served on the following parties:

Lydia Bottome Turanchik, Edwin H. Howard, Eileen Ryan McAuliffe, Peter M. Mirageas, Barbara Healy Smith, William M. Palmer

The parties not served electronically were served by regular mail on September 16, 2005, upon:

John P. Phelan  
1 Catacunamaug Road  
Shirley, MA 01464

John J. Curley, III, Esq.  
Law Offices of McEvilly & Curley  
48 West Street, Suite 1  
Leominster, MA 01453-5694

I certify under penalty of perjury that the foregoing is true and correct.

Executed on: September 16, 2005

/s/ Raymond C. Pelote  
Raymond C. Pelote, Esquire  
BBO #655475  
HARMON LAW OFFICES, P.C.  
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